

HAMPTON PLANNING BOARD – MINUTES

February 18, 2004

PRESENT: Thomas Gillick, Chairman
Robert Viviano, Vice Chairman
Tracy Emerick, Clerk
Jack Lessard
Tom Higgins
Keith Lessard
Skip Sullivan, Selectman Member
Jennifer Kimball, Town Planner

Mr. Gillick called the meeting to order at 7:00 p.m. by introducing the Board members. Mr. Gillick then asked Mr. Higgins to lead the Pledge of Allegiance.

III. OLD BUSINESS:

1. Vertical Building & Development Company, LLC
Site Plan Review for 42 Unit Condominium with 2 retail stores at
Ocean Boulevard, J & K Streets
Map 293, Lot 008; Map 290, Lots 144, 145, & 146
Owners of Record: Nancy J. Higgins Revocable Trust; Five Jay Street, LLC;
Jerelyn A. Gray & Peter B. Dineen; Captain Morgan Inn, Inc.
Jurisdiction Accepted July 30, 2003, extended by applicant

Mr. Gillick read a memo dated January 16, 2004 from Attorney Peter Saari stating the applicant requests to continue the application to the March 3, 2004 Planning Board meeting. Mr. Emerick **MOTIONED** to continue the referenced Application, at the applicant's request, to the March 3, 2004 Planning Board meeting. Mr. Viviano **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

I. CONTINUED PUBLIC HEARINGS:

1. Tower Venture/Omnipoint Holdings/Nextel Communications/Cingular Wireless
Site Plan Review to construct a wireless telecommunications facility at
77 Tide Mill Road
Map 241, Lot 8
Owner of Record: Saint James Building Association

II. NEW PUBLIC HEARINGS:

1. Tower Venture/Omnipoint Holdings/Nextel Communications/Cingular Wireless
Waiver Request: Subdivision Regulations Section V.E. 8 (storm water drainage control plan)
77 Tide Mill Road
Map 241, Lot 8
Owner of Record: Saint James Building Association

Mr. Emerick steps down for this application.

Attorney John Springer of Shaines & McEachern Law Firm in Portsmouth introduced himself as representing the applicant, Mr. Bill McQuade, also present. Mrs. Kimball proceeded to update the Board on this application explaining the continuation was due to the Waiver Request for the Storm Water Drainage Control. Additionally, all the Departmental reviews have been received and the applicant has revised the plans accordingly to meet some of the requirements and concerns discussed at the previous meeting (i.e. moved the driveway outside of the 100' buffer of the wetlands; additional screening around the leased area; provided the redacted lease with references to the tower removal).

Attorney Springer proceeded to explain the access has been moved to meet the 100' buffer requirement; the variances have been noted on the plans on bottom left corner; the plan has been stamped by a Wetlands Scientist; the Wetlands marsh border has been delineated by the Scientist; the residential lines have been further delineated; also included were quotes for tower removal; and additional letters from Heritage Commission and Conservation Commission have been submitted. Mrs. Kimball noted comments received from DPW dated February 2, 2004 stating a driveway permit would be needed; Fire Inspector dated February 3, 2004 with additional information needed if construction were to begin; Conservation Commission dated January 31, 2004 stating because of the driveway being moved there were no comments of jurisdiction; and Police dated January 15, 2004 stating no impact on motor vehicle or pedestrian safety. There was Board discussion regarding concerns of the Waiver Request due to the proximity of the marsh and the importance of addressing issues surrounding such a request.

OPEN PUBLIC HEARING:

Mr. Gillick noted an abutter letter on record dated February 16, 2004, from Mr. Norman Silberdick of 70 Tide Mill Road.

Ms. Ann Carnaby of 54 Tide Mill Road introduced herself. Mrs. Carnaby also submitted a letter dated February 3, 2004, and it was noted as part of the record. Mrs. Carnaby suggest the Board hold off on all decisions regarding this application until the Warrant Article #23 is voted on coming March 9, 2004. She also suggests to relocate the proposed tower to Town land.

Mr. Mike Corrigan of 78 Tide Mill Road introduced himself. Mr. Corrigan's concerns are the safety issues surrounding the proposed Tower and issues of high winds that come off the marsh that would push the tower over.

Ms. Pam Hauley of 25 Mill Road introduced herself. Ms. Hauley questioned if taxes would be paid for this tower. Ms. Kimball responded she believed so. Attorney Springer responded that the equipment would be taxed.

Ms Laura Burgess of 45 Tide Mill Road introduced herself. Ms. Burgess suggests the Board consider some of the alternatives presented.

Ms. Sandy Kirby of 55 Tide Mill Road introduced herself. Ms. Kirby suggested postponing any Board decision until after the Warrant Article is voted on and suggested to have the tower on Town land.

SUSPEND PUBLIC HEARING.

Mrs. Kimball commented on processing procedures and outcomes based on Zoning Board decisions. Mr. Gillick asked for additional Board comments. Hearing none, Mr. K. Lessard **MOTIONED** to deny the request for a Waiver: Subdivision/Site Plan Regulations Section V.E.8 (storm water drainage) associated with the referenced Application. Additionally, the Board voted to continue the Tower Venture/Omnipoint Holdings/Nextel Communications/Cingular Wireless Site Plan Review Application to the March 17, 2004 Planning Board meeting subject to:

- 1) Submittal of revised plans and detailed storm drainage plan to the Planning Office.

Mr. Sullivan **SECONDED. VOTE: 5=YES / 1=OPPOSED** (Mr. Higgins). **MOTION PASSES IN THE AFFIRMATIVE.**

Mr. Emerick returns to the Board.

I. CONTINUED PUBLIC HEARINGS:

2. Lincolnshire Realty, LTD (Palm Beach, FL)
Site Plan Review to erect 2 Warehouse Buildings with utilities, access road, & 23 parking spaces at
343 Exeter Road
Map 51, Lot 3
Owner of Record: Lincolnshire Realty, LTD (Nassau Bahamas)

II. NEW PUBLIC HEARINGS:

2. Lincolnshire Realty, LTD (Palm Beach, FL)
Special Permit to construct a 12' wide access driveway at
343 Exeter Road
Map 51, Lot 3
Owner of Record: Lincolnshire Realty, LTD (Nassau Bahamas)

Ms. Jessica Winston of Millette, Sprague & Colwell introduced herself as representing the applicant. Attorney Peter Saari of Casassa & Ryan, Ms. Amanda Barker of NH Soil Consultants, and Mr. Rich Correll, Architect were present as well. Mrs. Kimball stated the Departmental reviews have been received. Mrs. Kimball noted comments received from Police dated January 14, 2004 stating no motor vehicle or pedestrian safety issues; DPW dated January 23, 2004, stating additional detail needed on the roadway; Fire Inspector dated January 13, 2004 stating additional safety issues to be addressed; and Ambit Engineering dated February 13, 2004 commenting on engineering issues on the plans. There was Board discussion regarding the fire accesses around the existing building. Ms. Winston stated there was a labeling error on the previous plans and that section of the existing building does not exist. Additionally, she noted that parking for the existing structure is located to the left of the existing building.

**OPEN PUBLIC HEARING: NO COMMENT.
SUSPEND PUBLIC HEARING.**

Mr. Gillick asked for additional Board comments. Mr. K. Lessard asked how water is to be supplied. Ms. Winston stated a well has been proposed, located SW of proposed road, outside the buffer. Mr. Sullivan suggested a well may not suffice for emergency water needs. Mr. Correll stated a sprinkler system has not been determined as yet, and either a tank or detention pond will be proposed if a well is not adequate. Mr. Gillick suggested to have these determinations stated in writing from the Fire Department. Ms. Winston stated the elevations should be on file, however, she will provide additional copies to the Planning Office. Mr. Gillick read a letter dated December 30, 2003 from the Conservation Commission stating they would be opposed to the proposed roadway. Ms. Barker responded the proposed roadway impacts less than 3% of the property and it is not a wildlife corridor. Mr. K. Lessard stated concerns of treatment of the roadway with chemicals (i.e. salt, etc...). Mr. Correll stated the proposed roadway will be low intensity with only summer traffic and not likely used in fall or spring, that the winter months might use sand, not salt. Mr. Higgins questioned the electric service and septic design. Ms. Winston responded the electric and trash removal will be addressed in response to the Ambit Engineering comments and the septic system has not been designed as yet. There was Board discussion regarding the Special Permit and the applicant was encouraged to seek further input from Town Departments. Mr. J. Lessard **MOTIONED** to accept jurisdiction of the Lincolnshire Site Plan Application and continue the referenced Applications to the March 17, 2004 Planning Board meeting subject to:

- 1) Review and comments of revised plans by Ambit Engineering, Department of Public Works, Conservation Commission, and Hampton Fire Department.

Mr. K. Lessard **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

I. CONTINUED PUBLIC HEARINGS:

3. North Beach Investments, Inc.
Site Plan Review – 28 Unit Hotel at
703 Ocean Boulevard
Map 235, Lot 9
Waiver Requested: Subdivision Regulations Section VII.B.3 (parking lot design)
Owner of Record: North Beach Investments, Inc.
Jurisdiction accepted November 19, 2003, extended by applicant

Attorney Stephen Ells introduced himself. Also present were Mr. Henry Boyd, Jr., Engineer, and Mr. Randy Radkay, Property owner. Mrs. Kimball commented that she received input from NH DOT and since the existing curb cuts would remain, no permit would be needed. The applicants agreed that they would not alter the existing curb cuts. Mr. Boyd addressed the 4 northeastern most parking spaces and submitted a plan showing turning movements (backing out of the spaces). These spaces would be designated for compact cars (14 feet) only. Parking spaces would be controlled by the hotel management and assigned as individuals checked into the hotel. Mr. Higgins stated concerns that the Regulations require a 9-foot width for parking spaces and the plan just submitted shows 8'6" around the entrance of the building. Although, not a parking space, he questioned if the driveway should be at least 9-feet. Additionally, the site lines on King's Highway side were of safety concern because the partition walls. The applicant's architect suggested that the plans are being revised so that the internal parking petitions would be open, to assist in line-of-sight. Mrs. Kimball asked to clarify what is proposed for the first floor. Mr. Radkay stated the elevators, mechanical/utility rooms, etc...

OPEN PUBLIC HEARING:

Mrs. Kimball noted a letter dated February 17, 2004 was received from Altus Engineering, representing the abutters that live at Village by the Sea.

Mr. Dino Pantelis of 2 Kings Highway (Village by the Sea) introduced himself. Mr. Pantelis expressed concerns for the density of this project, the parking problem as it relates to density, and the overall public safety concerns proposed.

Mr. Eric Weinrib of Altus Engineering introduced himself. Mr. Weinrib represents the abutters that live at the Village by the Sea Condominiums located directly behind the proposed project. Mr. Weinrib reviewed part of his letter on record and suggests hiring an independent traffic engineer to look at the plan for specific traffic obstacles; concerns for no traffic control signs; the bituminous curb and sidewalk are not secure for pedestrian traffic; the entrance does not have enough room for 2 vehicles to pass; there are also grading and repaving issues. Mr. Weinrib states for the record he is not a licensed traffic surveyor, that his 20 yrs. in Engineering give some knowledge on the traffic issues presented.

SUSPEND PUBLIC HEARING.

Mr. Gillick asks for further Board comments. There was Board discussion regarding concerns of the Waiver Request and if an independent traffic review is necessary. Mr. Gillick polled the Board, and the Board determined an independent review was not needed. Attorney Ells commented that the applicant submitted a traffic study and that proposal states, based on the magnitude of the existing use, the proposal reduces traffic flow. Additionally, Attorney Ells states there is no proposal to grade in the right of way. Mr. David Lopettage, Architect for this application, submitted drawings showing the outline of the project. There was Board discussion about the Lighthouse and Mr. Lopettage stated the height is 50' to the ball on the top of the Lighthouse. It was noted there was a lightning rod attached to the ball. Mr. Radkay stated the flag pole would not exist as it shows in the drawings. There was considerable Board concerns and discussion regarding: lighting plan; snow removal; landscaping maintenance; trash removal; relocating of a utility pole; surety needs; traffic study; signage for pedestrians; painted sidewalks; alternate path from back to entrance. Mr. J. Lessard **MOTIONED** to grant the referenced

waiver request and continue the referenced Application to the March 3, 2004 Planning Board meeting subject to:

Submittal of revised plans to the Planning Office by February 27, 2004 to include:

- 1) lighting plan,
- 2) architectural plans with the “windows”/view through in the 3 parking garage partitions on the west side of the building (to improve driver visibility),
- 3) parking bumpers on external parking spaces,
- 4) include the missing (existing) curb on Ocean Boulevard,
- 5) painted sidewalks along frontage (both sides),
- 6) signage for site on the details sheet
- 7) access walk from Kings Highway to entrance, and,
- 8) review and comments of current plan set (rev. #5, dated 2/13/04) by Ambit Engineering.

Mr. Sullivan **SECONDED. VOTE: Ail. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

IV. CONSIDERATION OF MINUTES – February 4, 2004

Mr. Higgins stated to add, in the motion at the bottom of Page 2, “*plans shall reflect all piers*”.

Mr. J. Lessard **MOTIONED** to approve the minutes as amended. Mr. Viviano **SECONDED. VOTE: Ail. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

V. CORRESPONDENCE:

Mrs. Kimball stated the NH DES sent a Management Practice Guide for all Citizens and Officials is available at the Planning Office.

VI. OTHER BUSINESS:

Mrs. Kimball stated the Impact Fee Ordinance report has been completed and is available at the Planning Office. The Board agreed to have a preliminary work session, tentatively scheduled on March 24, 2004, to continue the progress of instituting the Impact Fee Ordinances.

Mr. J. Lessard **MOTIONED** to adjourn. Mr. Viviano **SECONDED. VOTE: Ail. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Meeting adjourned at 10:10 p.m.

Respectfully Submitted,
Janine L. Fortini
Planning Board Secretary